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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/021,854

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Brian Holtz

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3928

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7590

11/30/2005

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EXAMINER

CHOJNACKI, MELLISSA M

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/021,854	Applicant(s) HOLTZ ET AL.	
	Examiner Mellissa M. Chojnacki	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6, 8-11, 13-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-11, 13-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>September 26, 2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Remarks

1. In response to communications filed on September 6, 2005 no claims are cancelled; claims 1, 6, 11 and 16 have been amended, and no new claims have been added. Therefore, claims 1, 3-6, 8-11, 13-16 and 18-20 are still presently pending in the application.

### Drawings

2. Figure 1 has been properly amended and therefore the objection to the drawings is withdrawn.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 8-11, 14-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al. (U.S. Patent No. 5,588,147) in view of Multer et al. (U.S. Patent No. 6,694,336), in further view of San Andres et al. (U.S. Patent No. 5,956,489).

As to claim 1, Neeman et al. teaches a method of reconciling changes made to a first file tree and a second file tree comprising (See column 1, lines 45-46):

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receiving a first change log corresponding to the first file tree and a second change log corresponding to the second file tree (See column 1, lines 43-44; column 2, lines 2-3);

determining a first set of changes to make to the first file tree using the second change log (See column 2, lines 5-8, lines 26-32);

reconciling the first and the second file trees using the first and the second set of the change logs (See column 1, lines 51-56; column 2, lines 5-8); and

detecting one or more changes in the first set that conflict with the second set (See column 1, lines 51-56; column 7, lines 40-56).

Neeman et al. does not teach determining a second set of changes to make to the second file tree using the first change log.

Multer et al. teaches data transfer and synchronization system (See abstract), in which he teaches determining a second set of changes to make to the second file tree using the first change log (See abstract, column 4, lines 5-12).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Neeman et al., to include determining a second set of changes to make to the second file tree using the first change log.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Neeman et al., by the teachings of Multer et al. because determining a second set of changes to make to the second file tree using the first change log would help to delineate between

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when changes are made to specific files and databases in order to make a decision about weather to replace the changed field (See Multer et al., column 2, lines 6-17).

Neeman et al. as modified, still does not teach determining whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees.

San Andres et al. teaches transaction replication system and method for supporting replicated transaction-based services (See abstract), in which he teaches determining whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees (See abstract, column 23, lines 9-28).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Neeman et al. as modified, to include determining whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Neeman et al. as modified, by the teachings of San Andres et al. because determining whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees would efficiently process update requests made to replicated, transaction-based services (See San Andres et al., column 2, lines 20-30).

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As to claims 3, 8, 13, and 18 Neeman et al. as modified, teaches generating said conflict list (See Neeman et al., column 7, lines 57-60; also see Multer et al., column 38, lines 21-38); computer readable program code configured to cause said computer to generate a conflict list (See Neeman et al., column 7, lines 57-60; also see Multer et al., column 38, lines 21-38); computer readable code configured to generate a conflict list (See Neeman et al., column 7, lines 57-60; also see Multer et al., column 38, lines 21-38); generating said conflict list (See Neeman et al., column 7, lines 57-60; also see Multer et al., column 38, lines 21-38).

As to claims 4, 9, 14, and 19, Neeman et al. as modified, teaches wherein the first file tree resides on a client (See Neeman et al., column 1, lines 31-36; column 2, lines 25-26, where the client resides on a first computer system); wherein the first file tree resides on a client (See Neeman et al., column 1, lines 31-36; column 2, lines 25-26, where the client resides on a first computer system); wherein the first file tree resides on a client (See Neeman et al., column 1, lines 31-36; column 2, lines 25-26, where the client resides on a first computer system); wherein the first file tree resides on a client (See Neeman et al., column 1, lines 31-36; column 2, lines 25-26, where the client resides on a first computer system).

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As to claims 5, 10, 15 and 20, Neeman et al as modified, teaches wherein the second file tree resides on a server (See Neeman et al., column 1, lines 31-36; column 2, lines 26-27, where the sever resides on a second computer system); wherein the second file tree resides on a server (See Neeman et al., column 1, lines 31-36; column 2, lines 26-27, where the sever resides on a second computer system); wherein the second file tree resides on a server (See Neeman et al., column 1, lines 31-36; column 2, lines 26-27, where the sever resides on a second computer system); wherein the second file tree resides on a server (See Neeman et al., column 1, lines 31-36; column 2, lines 26-27, where the sever resides on a second computer system).

As to claim 6, Neeman et al. teaches an article of manufacture comprising (See column 1, lines 13-17, where “an article of manufacture” is read on “a product”):

a computer usable medium having computer readable program code embodied therein for reconciling changes made to a first file tree and second file tree (See column 1, lines 42-46. It is inherent that computer systems have “readable program code”); the computer readable program code in the article of manufacture comprising (See column 1, lines 13-17; lines 42-46):

computer readable program code configured to cause the computer to receive a first change log corresponding to the first file tree and a second change log corresponding to the second file tree (See column 1, lines 43-44; column 2, lines 2-3. It is inherent that computer systems have “readable program code”).

computer readable program code configured to cause the computer to determine a first set of changes to make to the first file tree using the second change log (See column 2, lines 5-8. It is inherent that computer systems have “readable program code”);

computer readable program code configured to cause the computer to reconcile the first file tree and the second file tree using the first and the second set of change logs (See column 1, lines 51-56; column 2, lines 5-8. It is inherent that computer systems have “readable program code”); and

computer readable program code configured to cause the computer to detect one or more changes in the first set that conflict with the second set (See column 1, lines 51-56; column 7, lines 40-56).

Neeman et al. does not teach computer readable program code configured to cause the computer to determine a second set of changes to make to the second file tree using the first change log.

Multer et al. teaches data transfer and synchronization system (See abstract), in which he teaches computer readable program code configured to cause the computer to determine a second set of changes to make to the second file tree using the first change log (See abstract, column 4, lines 5-12).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Neeman et al., to include computer readable program code configured to cause the computer to determine a second set of changes to make to the second file tree using the first change log.



It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Neeman et al., by the teachings of Multer et al. because computer readable program code configured to cause the computer to determine a second set of changes to make to the second file tree using the first change log would help to delineate between when changes are made to specific files and databases in order to make a decision about weather to replace the changed field (See Multer et al., column 2, lines 6-17).

Neeman et al. as modified, still does not teach computer readable program code configured to cause the computer to determine whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees.

San Andres et al. teaches transaction replication system and method for supporting replicated transaction-based services (See abstract), in which he teaches computer readable program code configured to cause the computer to determine whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees (See abstract, column 23, lines 9-28).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Neeman et al. as modified, to include computer readable program code configured to cause the computer to determine whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Neeman et al. as modified, by the teachings of San Andres et al. because computer readable program code configured to cause the computer to determine whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees would efficiently process update requests made to replicated, transaction-based services (See San Andres et al., column 2, lines 20-30).

As to claim 11, Neeman et al. teaches, a computer program product comprising (See column 1, lines 13-17, where a "computer program product" is read on "a software product"):  
a computer usable medium having computer readable program code embodied therein configured to reconcile changes made to a first and a second file tree (See column 1, lines 42-45. It is inherent that computer systems have "readable program code"); the computer program product comprising:

computer readable code configured to cause a computer to receive a first change log corresponding to a first file tree and a second change log corresponding to a second file tree (See column 1, lines 43-44; column 2, lines 2-3. It is inherent that computer systems have "readable program code");

computer readable code configured to cause a computer to determine a first set of changes to make to the first file tree using the second change log (See

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column 2, lines 5-8. It is inherent that computer systems have “readable program code”);

computer readable code configured to cause a computer to reconcile the first and the second file trees using the first and the second set of change logs (See column 1, lines 51-56; column 2, lines 5-8. It is inherent that computer systems have “readable program code”); and

computer readable code configured to cause a computer to detect one or more changes in the first set that conflict with the second set (See column 1, lines 51-56; column 7, lines 40-56).

Neeman et al. does not teach computer readable code configured to cause a computer to determine a second set of changes to make to the second file tree using the first change log.

Multer et al. teaches data transfer and synchronization system (See abstract), in which he teaches computer readable code configured to cause a computer to determine a second set of changes to make to the second file tree using the first change log (See abstract, column 4, lines 5-12).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Neeman et al., to include computer readable code configured to cause a computer to determine a second set of changes to make to the second file tree using the first change log.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Neeman et al., by the teachings of Multer et al. because computer readable code configured to cause a

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computer to determine a second set of changes to make to the second file tree using the first change log would help to delineate between when changes are made to specific files and databases in order to make a decision about whether to replace the changed field (See Multer et al., column 2, lines 6-17).

Neeman et al. as modified, still does not teach computer readable program code configured to cause the computer to determine whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees.

San Andres et al. teaches transaction replication system and method for supporting replicated transaction-based services (See abstract), in which he teaches computer readable code configured to cause the computer to determine whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees (See abstract, column 23, lines 9-28).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Neeman et al. as modified, to include computer readable code configured to cause the computer to determine whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Neeman et al. as modified, by the teachings of San Andres et al. because computer readable code configured to cause the computer to determine whether reconciling the first and the second

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file trees creates an unresolved loop in at least one of the first and the second file trees would efficiently process update requests made to replicated, transaction-based services (See San Andres et al., column 2, lines 20-30).

As to claim 16, Neeman et al. teaches, a system for reconciling changes made to a first and a second file tree comprising (See abstract, where “a system” is read on “a facility”; and see column 1, lines 45-46):

receiving a first change log corresponding to a first file tree and a second change log corresponding to a second file tree (See column 1, lines 43-44; column 2, lines 2-3);

determining a first set of changes to make to the first file tree using the second change log (See column 2, lines 5-8);

reconciling the first and the second file trees using the first and the second set of change logs (See column 1, lines 51-56; column 2, lines 5-8); and

detecting one or more changes in the first set that conflict with the second set (See column 1, lines 51-56; column 7, lines 40-56).

Neeman et al. does not teach determining a second set of changes to make to the second file tree using the first change log.

Multer et al. teaches data transfer and synchronization system (See abstract), in which he teaches determining a second set of changes to make to the second file tree using the first change log (See abstract, column 4, lines 5-12).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Neeman et al., to include determining a second set of changes to make to the second file tree using the first change log.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Neeman et al., by the teachings of Multer et al. because determining a second set of changes to make to the second file tree using the first change log would help to delineate between when changes are made to specific files and databases in order to make a decision about whether to replace the changed field (See Multer et al., column 2, lines 6-17).

Neeman et al. as modified, still does not teach determines whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees.

San Andres et al. teaches transaction replication system and method for supporting replicated transaction-based services (See abstract), in which he teaches determines whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees (See abstract, column 23, lines 9-28).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Neeman et al. as modified, to include determines whether reconciling the first and the second file

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trees creates an unresolved loop in at least one of the first and the second file trees.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Neeman et al. as modified, by the teachings of San Andres et al. because determines whether reconciling the first and the second file trees creates an unresolved loop in at least one of the first and the second file trees would efficiently process update requests made to replicated, transaction-based services (See San Andres et al., column 2, lines 20-30).

### ***Response to Arguments***

5. Applicant's arguments filed on September 6, 2005, with respect to the rejected claims in view of the cited references have been considered but are moot in view of applicant's amended claims necessitate new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M. Chojnacki whose telephone number is (571) 272-4076. The examiner can normally be reached on 9:00am-5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 28, 2005  
Mmc



**SAM RIMELL**  
**PRIMARY EXAMINER**